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#10

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/941,174    09/30/97    BRUSKY

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EXAMINER

LMC1/0426

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ART UNIT

PAPER NUMBER

2711

DATE MAILED:

04/26/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/941,174

Applicant(s)  
Brusky et al.

Examiner  
Sam Huang

Group Art Unit  
2711



☒ Responsive to communication(s) filed on Mar 31, 2000

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-5 and 7-13 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-5 and 7-13 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Continued Prosecution Application*

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Internet article entitled *Destination Features* (hereinafter "Internet Article I")(August 21, 1996) in view of Duffield et al. (US 4,959,720) and further in view of Young (US 4,706,121).

Regarding claims 1, 2, Internet Article I discloses a Gateway 2000 Destination big screen PC system comprising: a computer converged with a television (page 1); a 31 inch monitor connected to the computer system (page 3); and an alphanumeric keyboard for providing alphanumeric information to the Gateway 2000 Destination PC system (page 4). Internet Article I fails to specifically address a system capable of interpreting predetermined alphanumeric key presses on the alphanumeric keyboard as a channel macro for selecting a predetermined network. However, Duffield teaches a tuner control apparatus having tune-by-label capacity whereby a user is allowed to enter alphanumeric labels associated with respective network channels to be tuned, so that, thereafter, a network channel to be tuned may be selected by the user by entering

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the alphanumeric label (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Gateway 2000 Destination PC system by the teachings of Duffield in order to relieve the viewer from remembering which channel number corresponds to which network.

Although Duffield shows an apparatus allowing an user to enter alphanumeric labels associated with respective network channels to be tuned, it does not specifically address a database of channel macros provided by a computer system. However, Young discloses a TV schedule system and process wherein a viewer may select the channel service by actual names (i.e., HBO, ESPN) in place of channel numbers. Young also discloses a list of channel call names provided by the control program operating on the system control unit 106. (Cols. 3, 4, 6-8, figs. 3 and 4). Accordingly, it would have been obvious to one of ordinary skill in the art to modify Internet Article I and Duffield by the teachings of Young at the time the invention was made so that a viewer may simply key in the call name without expending additional time and energy programming in the call names.

Additionally, the feature of providing a user a visual listing of a most probable options to choose from by depicting on the monitor a prestored list of options most closely matching the text entered by the user is extremely well known in the database searching art. By way of example, a majority of desktop application programs with a "Help" feature provides the user with a listing of options closely matching the text entered by the user to be searched. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate said well known search

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feature with Duffield and Article I since said feature alleviates the user from remembering a plurality of station call names.

Concerning claim 5, Internet Article I discloses a wireless keyboard for keying in alphanumeric information to the system (page 4).

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Internet article entitled *Destination Features* (hereinafter "Internet Article I")(August 21, 1996) in view of Duffield et al. (US 4,959,720), in view of Young (US 4,706,121) and further in view of Internet article entitled *The Big-Tube PCTV* (hereinafter "Internet Article II")(May 28, 1996).

As for claims 3 and 4, Internet Article I and Duffield fail to specifically show that the channel macro is implemented in either the TV mode or the computer mode. However, Internet Article II further explains the Gateway 2000 Destination PCTV system allows the viewer to "read e-mail, write checks, or connect to the Web in one or more windows while watching TV in another [window]. [The viewer] could let the TV picture take over the entire screen when the commercial ends." Since Internet Article II further explains the features of Gateway 2000 Destination, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Gateway 2000 Destination with dual TV and computer mode by the teachings of Duffield so that a viewer may implement the channel macro in either the TV or computer mode.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Internet article entitled *Destination Features* (hereinafter "Internet Article I")(August 21, 1996) in view of

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Duffield et al. (US 4,959,720), further in view of Young (US 4,706,121), and further in view of Takegawa et al. (US 5,379,454).

Regarding 7, Internet Article I and Duffield fail to specifically show the channel macro providing the user a list of potential networks and providing the user a best guess of potential networks based on the alphanumeric key presses made by the user. However, Takegawa shows a station selection device in a tuner for automatic selection of channels according to part or full alphanumeric input information (see Figure 3 and Abstract). According to Takegawa's invention, a user enters a partial or full alphanumeric broadcast station name and the device will try to match the station closely identical to the input ("best guess" feature) and generate a list of available stations for the user to cycle through until one is desired. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Gateway 2000 Destination and Duffield's invention by the teachings of Takegawa in order to further relieve the viewer from remembering the broadcaster's full network labels so that the viewer may tune into the desired network with recalling only a few alphanumeric letters.

Claims 8 and 13 are the method claims of system claims 1-5, 7. Therefore, claims 8 and 13 are rejected for the reasons given with respect to claims 1-5, 7. In addition to the reasoning given above, the teaching of prestored information (defaults set by a manufacturer or a vendor) containing in a database prior to the purchase of the item is extremely well known and commonly used in the art. Accordingly, it would have been obvious to one of ordinary skill in the art for the

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vendor or manufacturer to set defaults or a list of channel call names in order to make the electronic device more appealing and marketable to the purchaser.

As for claim 9, Internet Article I discloses a PCTV system with a Harman Interactive SmartTV Software wherein the option of a TV Guide on-line service may be provided to the user and wherein the TV Guide Grid scrolls through two weeks of TV program guide information.

Concerning claim 10, Internet Article I discloses a PCTV system with a TV Guide but does not specifically disclose highlighting the selected network station. The feature of highlighting the network station selected by the viewer is extremely well known in the interactive program guide art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the highlighting feature in an electronic TV Guide in order to indicate to the view of the selection he/she has made.

As for claim 11, Internet Article I discloses a windowing feature for scaling the size of an active TV window on the 31-inch monitor (page 3).

Concerning claim 12, Internet Article I discloses a Channel Control feature where channels are displayed on the monitor when viewer enters specific channels (page 2).

### ***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**or faxed to:**

(703) 308-6306 or -6296, (for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Huang whose telephone number is (703) 305-0627. The examiner can normally be reached on M-Th from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

SH

April 19, 2000

  
ANDREW I. FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700